

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

IN THE MATTER OF	§	
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	§	CG Docket No. 10-51
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	§	CG Docket No. 03-123
	§	

**STRUCTURE AND
PRACTICES OF THE VIDEO RELAY
SERVICE PROGRAM**

**COMMENTS OF
HANCOCK, JAHN, LEE & PUCKETT, LLC d/b/a
COMMUNICATION AXESS ABILITY GROUP'S (CAAG)**

Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group (“CAAG”) is a Video Relay Service (“VRS”) provider whose application for certification was conditionally granted on November 15, 2011. CAAG appreciates the opportunity to provide comments on the Federal Communications Commission’s (“FCC”) December 2011 *Further Notice of Proposed Rulemaking* (“FPRM”).¹

Compensation. CAAG provides interpreting services and the length of time devoted to delivering those services is an appropriate basis upon which to be compensated. CAAG believes that TRS providers should continue to be compensated based on the volume of minutes handled per month, rather than on a per-user basis. Continuation of this traditional method of compensation is justified for multiple reasons.

¹ *In the Matter of Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123; FCC 11-184, 77 FR 4948 (2012).

Insufficient data currently exists to be able to predict accurately the likely impact on consumers and the industry of a switch to a per-user method of compensation. Modeling the expected impact would require, at a minimum, a reliable method of counting unique users. Today, the total number of VRS users is unknown. Until a method exists to obtain an accurate consumer count, consideration of a change in compensation methodology is premature.

A per-user basis also has not been shown to be a superior method of valuing the service because not all users consume the same volume of a provider's service. An enterprise user, for example, likely will make more calls and engage the services of a VRS provider for longer time periods than a residential user. Compensating a provider at a flat rate for both the high volume and the occasional consumer is unreasonable. The volume and length of calls contribute directly to a provider's costs because the number of interpreters employed is driven by call volume and call length. In short, the number of users registered with a provider is not a viable alternative measure because not all users consume the same amount of the service.

The per minute rate methodology also follows the service length approach used to compensate for in-person or video remote interpreting services. From a cost recovery perspective, the number of customers – versus the time required to meet their collective needs – is not the primary driver of incurred expense.

CAAG commends the Commission on its efforts to eliminate fraud and abuse. While the per-user compensation methodology may appear on the surface to support that effort, the change would harm deaf and hard of hearing consumers. A consumer's ability to obtain VRS from more than one provider creates an incentive to deliver excellence in customer service and to invest in innovation and enhancements. In contrast, tying a user to a single provider creates issues if a particular provider, for example, is slower to answer calls because of a temporary surge in call

volume. The risks associated with a slow or failed attempt to process an emergency call also are heightened if a user is restricted to a single provider. Retaining dial around addresses some of these issues, but might also create a perversion in the scenario where a user frequently dials around due to unhappiness with the quality of its provider, and yet the provider continues to receive per-user compensation.

CAAG understands that other entities may be proposing alternatives to the per-user rate proposal, including hybrid forms of compensation. CAAG looks forward to studying those proposals and will, if appropriate, address their merits in reply comments. For the present, however, CAAG registers its strong disagreement with any proposal to shift away from the current compensation methodology before the impact of such a change has been fully evaluated and vetted. Should the Commission decide to retain the per-minute rate methodology, CAAG supports continuation of the current tier structure. The tiers do not discourage the desire of providers to achieve scale, but do recognize the reality that efficiencies are gained at higher volumes.

Broadband Pilot Program. CAAG applauds the proposal to expand broadband access so that VRS may be available to more members of the deaf and hard of hearing community. The expansion of the consumer base also will contribute to the ability of individual providers to reach scale and achieve efficiencies. CAAG has not formed an opinion as to the appropriate level of discount to those who are eligible to benefit from the TRS Broadband Pilot Program.


Interoperability. CAAG supports the proposal to make available “off the shelf” technology to advance interoperability. Interoperability is in the best interest of the deaf and hard of hearing consumers and it will promote technical advancements. Those improvements could be made more broadly available because the specifications of standardized equipment

would be known and new, compatible devices and programs could be used interchangeably. Proceeding in this direction will take VRS to the next level of quality and availability.

CAAG appreciated the opportunity to participate in the roundtable discussion with staff from the FCC and other interested parties on February 13, 2012, and looks forward to reviewing the submissions of other commenters in this proceeding.

Respectfully submitted,

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